



Center for Analysis of
Economic Reforms
and Communication

September 2017

AZERBAIJAN ECONOMIC REFORMS REVIEW



Rule of issuing electronic signature certificates to non-residents through diplomatic missions and consulates of the Republic of Azerbaijan



President of the Republic of Azerbaijan signed a Decree on approval of the "Rules of issuing electronic signature certificates to non-residents through diplomatic missions and consulates of the Republic of Azerbaijan", dated September 12, 2017.

The Rule approved under this Decree contains the following provisions:

1. General provisions

1.1. This Rule was developed in connection with the implementation of the subparagraph 3.1.2 of the Decree № 1255 of the President of the Republic of Azerbaijan "on additional measures to strengthen the position of the Republic of Azerbaijan as Digital Trade Hub and expand the foreign trade transactions", dated February 22, 2017, and regulates issues associated with issuance of electronic signature certificate to non-residents through diplomatic missions and consulates of the Republic of Azerbaijan.

1.2. The concepts used for the purposes of this Rule shall have the following meanings:

1.2.1. Non-resident – foreigners living in foreign country and stateless persons, citizens of the Republic of Azerbaijan who have permanent residency in a foreign country, legal persons operating in a foreign country;

1.2.2. electronic signature - enhanced electronic signature "E-signature" or "ASAN-signature"

1.2.3. "E-signature" is a means of enhanced electronic signature issued on the "token" type information medium by the certification services center registered and accredited in the Ministry of Transport, Communications and High Technologies of the Republic of Azerbaijan;

1.2.4. "ASAN Signature" (mobile electronic signature) - a means of enhanced electronic signature issued by the Certification Services Center "ASAN" under the Ministry of Taxes of the Republic of Azerbaijan, which requires a mobile phone and a special SIM card as a means of electronic signature;

1.2.5. portal - the Internet portal www.azexport.az, created in connection with the implementation of Part 1 of the Order № 2349 of the President of the Republic of Azerbaijan "On the Creation of a Unified Database of Goods made in the Republic of

Azerbaijan", dated September 21, 2016;

1.2.6. "Virtual FİN" - a unique individual identification number consisted of a set of letters and figures and issued through an interdepartmental automated information retrieval system "Login – Logout and Registration" to non-residents for whom a positive decision has been made in connection with the applications received through the portal for receiving electronic signature;

1.2.7. "e-non-resident" subsystem - a subsystem created in the interdepartmental automated information retrieval system "Login - logout and registration" where applications of non-residents are for received and analyzed to issue an electronic signature, a "virtual FİN" and a registry of non-residents who have received a "virtual FİN" is maintained;

1.2.8. The Center - a certification services center registered and accredited in the Ministry of Transport, Communications and High Technologies of the Republic of Azerbaijan, and the ASAN Certification Services Center under the Ministry of Taxes of the Republic of Azerbaijan;

1.2.9. Certificate – "E-signature" or "ASAN signature" certificate;

1.2.10. "Business" certificate - an advanced certificate of enhanced electronic signature issued to legal entities operating in foreign countries for the purpose of ensuring authentication of an electronic service user, signing of an electronic document and identification of the identity of the signatory where the special purpose of the signature, its scope of application, the text on the seal and the taxpayer identification number (TIN) to which the seal relates are indicated;

1.2.11. "Personal" certificate - an advanced certificate of enhanced electronic signature issued to foreigners and stateless persons residing in foreign countries, citizens of the Azerbaijan Republic residing in a foreign country on a permanent basis solely for the authentication of the user of electronic service, signing the document in electronic format and establishing (identifying) person of the signatory.

1.3. Other concepts used in this Rule shall have the meaning specified by the Law of the Republic of Azerbaijan "on Electronic signature and electronic document" and other legislative acts of the Republic of Azerbaijan.

1.4. This Rule shall not apply to issues associated with issuing electronic signature to other persons not covered under the concept "non-resident".

1.5. Issues related to issuance of electronic signature certificate to non-resident but not regulated by this Rule shall not be governed as specified by other normative- legal acts.

1.6. Center may also set terms and payments based on joint agreement with a mobile operator in order to identify costs of the issuance of electronic signature.

2. Organize the issuance of electronic signature certificate, accept applications and issue certificates

2.1. Receipt of applications of non-residents for the issuance of an electronic signature certificate through diplomatic representations and consulates of the Republic of Azerbaijan (hereinafter referred to as the diplomatic representation) shall be carried out through a portal in the subsystem "e-non-resident".

2.2. The Subsystem "e-non-resident" is created in the interdepartmental automated information retrieval system "Login - Logout and registration" and integrated into the portal.

2.3. A non-resident wishing to obtain a certificate shall enter the portal and fill the application form in real time, and where it is established under the Paragraph 1.6 of this Rule, the payment is made through the portal online. The application shall include the following documents:

2.3.1. a copy of a document (passport or identity card) that certifies the identity of a non-resident;

2.3.2. 1 photo (in dimensions of 3.5x4.5 cm) in accordance with the requirements of biometric identification;

2.3.3. a power of attorney issued to a

person authorized to represent a non-resident, where the application is submitted by the representative of a non-resident.

2.4. The non-resident shall mark in the electronic application the appropriate box for obtaining one of the following types of certificate: the certificate of "E-signature" or "ASAN signature", as well as "Business" certificate or "Personal" certificate.

2.5. Where a non-resident specifies his/ her wish to receive the "ASAN signature" certificate in his/ her electronic application, he/ she shall choose the appropriate mobile operator and mobile number and pay the associated cost online through the portal if it complies with the provision of the Clause 1.6 of this Rule.

2.6. Upon the confirmation of the application by a non-resident, the authenticity of the information in the portal is verified and, where shortcomings are not discovered, the application is registered in real time and sent to the "e-non-resident" subsystem along with the attached documents. A notice on registration of the application is sent to the e-mail address of the applicant (or SMS is sent to the mobile number of the applicant).

2.7. The application and attached documents thereof are sent within the "e-non-resident" subsystem to the Ministry of Internal Affairs, the Ministry of Foreign Affairs, the State Security Service and the Foreign Intelligence Service of the Republic of Azerbaijan.

2.8. If no negative conclusion is made by the Ministry of Internal Affairs, the Ministry of Foreign Affairs, the State Security Service and the Foreign Intelligence Service of the Republic of Azerbaijan within 3 (three) days, a "Virtual FİN " shall be issued automatically to the non-resident by the interdepartmental automated information retrieval system "Login -Logout and registration". "Virtual FİN" issued to citizens of the Azerbaijan Republic with permanent residence abroad, shall be similar to the current individual identification number (FİN) of the identity cards of these citizens. The application shall be sent to the Center by the portal, regardless of the type of certificate.

2.9. If there no shortcomings are found in the submitted documents, the Center shall decide to issue an electronic signature certificate. This

decision and the agreement signed between the non-resident and the Center for the issuance of a certificate shall be approved to send further to the diplomatic mission for subsequent confirmation by a non-resident. The relevant notice (and (or) SMS to the mobile number) shall be sent in real time to the e-mail address of the applicant through the portal.

2.10. The certificate of "E-signature" and "token" issued for the purpose of sending to the diplomatic representation is presented by the certification services center registered and accredited in the Ministry of Transport, Communications and High Technologies of the Republic of Azerbaijan. The "ASAN Signature" certificate shall be delivered by the ASAN Certification Services Center under the Ministry of Taxes of the Republic of Azerbaijan, whereas the SIM card and the agreement signed by mobile operator in 2 copies for use of that SIM card are passed to the Ministry of Foreign Affairs of the Republic of Azerbaijan by the Center for Analysis of Economic Reforms and Communication based on relevant act.

2.11. Upon the receipt by the diplomatic mission of the decision indicated in the Clause 2.9 of this Rule, that non-resident shall be invited to the diplomatic mission within one (1) working day.

2.12. Once the non-resident arrives at the diplomatic mission at the appointed time, he/she shall present here the originals of the documents transmitted through the portal, including one photo (in dimensions of 3.5x4.5 cm) in accordance with the requirements of biometric identification. After verifying the authenticity of the original documents with the documents submitted through the portal in real time, the Diplomatic representation returns them to a non-resident.

2.13. If there is a discrepancy between the information presented in real-time in the portal and the information actually submitted by a non-resident, the diplomatic mission denies issuing the certificate and makes a relevant note on the cancellation of the "virtual FİN" in the "e-non-resident" subsystem via the portal on the cancellation

of the "virtual FİN".

2.14. If there is a discrepancy between the information presented in real-time in the portal and the information actually submitted by a non-resident, the diplomatic representation submits the non-resident for signing a contract for the issuance of a certificate, and in the case of the receipt of the "ASAN signature" certificate, a contract for the use of the SIM card is also presented.

2.15. Once the non-resident signed the contracts specified in clause 2.14 of this Procedure, one copy of these contracts, the "E-Signature" or "ASAN Signature" certificate, the corresponding "token" or SIM card are transferred to a non-resident.

2.16. The second copy of the contract signed by the non-resident shall be transferred at least twice a year by the diplomatic mission to the Ministry of Foreign Affairs of the Republic of Azerbaijan for subsequent submission to the appropriate Center or mobile operator.

2.17. The Ministry of Foreign Affairs of the Republic of Azerbaijan shall submit within one (1) working day to the Ministry of Transport, Communications and High Technologies of the Republic of Azerbaijan (contracts signed in connection with the issuance of the "E-signature" certificate) and the Center for Analysis of Economic Reforms and Communications (contracts for the issuance of the "ASN signature" certificate and the use of the SIM card) the agreements adopted in accordance with paragraph 2.16 of this Procedure.

2.18. The Ministry of Transport, Communications and High Technologies of the Republic of Azerbaijan and the Center for Analysis of Economic Reforms and Communications shall submit the documents adopted in accordance with 2.17 of this Agreement within 3 (three) working days to the given destination.

2.19. The validity period of the electronic signature certificate issued to non-residents is 3 (three) years

2.20. The payment made by non-residents in connection with the implementation of certification services under the paragraph 1.6 of this Procedure shall not be refundable in

any case.

3. Suspension, restoration and cancellation of the electronic signature certificate

3.1. The Centre, after the issuance of the certificate, has the right to suspend the action, restore and annul the certificate under the provisions of the Articles 13 and 14 of the Law of the Republic of Azerbaijan "On Electronic Signature and Electronic Document". In this case, the Centre makes the corresponding notes and changes to the "Certificate Registry" regarding the current status of the certificate.

3.2. The signature holder, in order to suspend, restore and revoke the certificate, must apply via the portal to the diplomatic office or the Center that issued the certificate directly.

3.3. Diplomatic mission shall promptly forward the application received in accordance with clause 3.2 of this Procedure to the relevant Center, depending on the type of certificate.

3.4. The Center shall take appropriate measures with regard to the application provided for in paragraph 3.3 of this Procedure by making corresponding changes to the current status of the certificate in the "Register of Certificates" and shall notify the diplomatic mission. Where a non-resident applies directly the Center, the non-resident shall be notified with a notification sent to his / her email given in the application and / or SMS messages sent to his/ her mobile number. The diplomatic mission shall notify the non-resident thereabout by sending a notification to the e-mail address indicated in its application and / or SMS message to its mobile number.

3.5. In the following cases where the confidentiality of signature creation information is violated, the owner immediately informs the diplomatic mission or directly the Center depending on the type of certificate:

3.5.1. where information medium for signature creation is lost;

3.5.2. where the information medium for signature creation is found;

3.5.3. where there are strong suspicions about leakage or distortion of confidential

information in the information system;

3.5.4. where there are signs of unauthorized access or suspicions of such access to the information medium in signature creation are stored;

3.5.5. Where signature creation information and their activation code become known to other persons.

3.6. In case of violation of the confidentiality of signature creation information, the Center shall take immediate steps to revoke the corresponding certificate, as well as to change the information for creating the signature. At the same time, the Center shall notify the signature owners to which it provides a service and provide a free replacement of the certificates signed by signature owners directly or through the diplomatic representation.

4. Requests for an electronic signature certificate

4.1. Users of certification services shall have the right to send through the portal a request directly to the Center that issued the certificate to obtain information about issued certificates and confirm that the signature holder owns information about the signature verification.

4.2. Except where the signature holder's consent does not exist, the Center can provide information on the person to whom the certificate was issued, as well as information on the status of the certificate and other information about the certificate.

4.3. Center shall provide services in response to inquiries about certificates based on the registry data and shall not charge any service fee for submitting the information.

4.4. The center can also check the status of certificates in real time.

5. Maintain the registry of electronic signature certificates issued to non-residents

5.1. The registry of electronic signature certificates issued to non-residents (hereinafter referred to as the "Registry") shall be a list maintained by the Center in the "e-non-resident" subsystem and shall be confirmed by

an advanced electronic signature.

5.2. The following data shall be entered into the Registry:

5.2.1. serial number of the certificate;

5.2.2. information and the "virtual FİN" of the signature holder;

5.2.3. the validity period of the certificate (time, start date and expiry date);

5.2.4. date and reason for the suspension or cancellation of the certificate.

5.3. The registry should provide a possibility for applying to the registry around the clock, within 7 days of the week.

5.4. The Center shall ensure the entry of information on valid, suspended and canceled certificates into the Registry no later than 1 (one) business day.

5.5. It is necessary to ensure the following when maintaining the Register:

5.5.1. Only competent persons shall be authorized to enter information into the Registry;

5.5.2. No change shall be made without the consent of the signature holder;

5.5.3. Necessary actions shall be taken to prevent from interventions without the permission of the signature holder.



www.iqtisadiislahat.org

www.ereforms.org

www.ecoreform.az



Baku, Yasamal district,
Landau street 16, AZ 1073



info@ereforms.org



(+994)12 5213318



/ iqtisadiislahat